

18. (Amended) The nucleic acid of claim 14-16, wherein the phosphatase activity of the CAK1 polypeptide phosphorylates *Candida* cyclin dependent kinases (cdks).

37. (Twice Amended) A substantially pure nucleic acid comprising a nucleotide sequence which hybridizes under stringent conditions of 6.0 x SSC at 45 °C followed by a wash step of 2.0 x SSC at 50 °C to the nucleic acid of SEQ ID No. 13, and encodes a polypeptide that binds a cyclin-dependent kinase and has a serine/threonine kinase activity.

38. (Amended) The nucleic acid of claim 37, which nucleic acid encodes a CAK1 polypeptide at least 75% identical homologous to an amino acid sequence represented in SEQ ID No. 14.

#### REMARKS

Claims 1-40 constitute the pending claims in the present application. Applicants thank the Examiner for courtesies extended during an interview on April 16, 2002. Applicants have amended claims 14 and 37 to recite functional characteristics of the recited polypeptides, solely to expedite prosecution of the remaining claims. Support for these characteristics can be found on page 6, lines 8-10. Applicants reserve the right to prosecute claims of similar or differing scope in subsequent applications. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

1-4. Applicants note that the previous amendment was entered and considered, and that claims 1-13 and 23-36 are withdrawn as being directed to a non-elected invention. Applicants have cancelled these claims.

5. Applicants note that item BX on the previous IDS was not considered. This item will not be resubmitted.

6. Claims 14-22 and 37-40 are rejected under 35 U.S.C. § 101 because the claimed invention allegedly lacks patentable utility. Applicants respectfully traverse this rejection.